



**State of Louisiana**  
DIVISION OF ADMINISTRATION  
**OFFICE OF HUMAN RESOURCES**

M. J. "MIKE" FOSTER, JR.  
GOVERNOR

MARK C. DRENNEN  
COMMISSIONER OF ADMINISTRATION

**DIVISION OF ADMINISTRATION**

**PERSONNEL POLICY NO. 5**

**EFFECTIVE DATE:** April 3, 1981; Revised January 24, 1994;  
Revised February 28, 2003

**SUBJECT:** Equal Employment and Affirmative Action

**AUTHORIZATION:** \_\_\_\_\_  
Whitman J. Kling, Jr., Deputy Undersecretary

**I. POLICY**

It is the policy of the Division of Administration that there will be no discrimination based on race, color, age, religion, sex, national origin, disability, or veteran status in any personnel activity or action including, but not limited to, recruiting, selection, hiring, placement, training, employee discipline, employee evaluation, seniority, transfers, promotion, layoff, or termination.

**II. PURPOSE:**

To ensure that all individuals are provided equitable employment and promotional opportunities. This objective will be achieved by compliance with the approved agency-wide Affirmative Action Plan.

**III. APPLICABILITY:**

This policy shall be applicable to all sections within the Division of Administration both general appropriation and ancillary appropriations.

This policy is further applicable to all employees of the Division of Administration; all persons seeking employment with the Agency; all persons or organizations seeking contracts or agreements; and to all persons, organizations, or employees (both public and private) seeking services from the Agency.

#### **IV. PROCEDURE:**

The Division of Administration will take affirmative action to ensure that the following is implemented at all levels of administration:

- Recruit, hire, place, train, and promote in all job classifications without regard to non-merit factors, such as race, color, age, religion, sex, national origin, handicap, or veteran status, except where sex is a bonafide occupational qualification.
- Identify and utilize existing talent and potential through upgrading and promoting present employees. All promotions will be based only on valid equal employment promotional requirements.
- Base decisions on employment so as to further the principle of equal employment opportunity.
- Ensure that all personnel actions, such as compensation, benefits, transfers, layoffs, recall from layoffs, education, tuition assistance, social and recreation programs are administered without regard to race, color, religion, sex, age, national origin, handicap, disability, veteran status or any other non-merit factor.
- Administer all salaries, wages, insurance programs, and other benefits in conformance with this policy.

#### **V. DEFINITION:**

To assure operation under a continuous affirmative concept of equal employment within the Division of Administration. This concept provides that employment decisions be made for all persons regardless of race, color, religion, sex, national origin, pregnancy, age, handicap, or any other non-merit factor. All persons are to be recruited, selected, placed, compensated, and otherwise treated during employment without regard to any of the prohibited factors.

#### **VI. RESPONSIBILITY:**

The Commissioner of Administration has the overall responsibility for the implementation of the Affirmative Action plan, with specific responsibilities assigned to the Office of Human Resources, the Office of Finance and Support Services/Employee Administration, and all section heads and supervisors. All actions and decisions of the Commissioner will support the spirit of this policy and program.

**Deputy/Assistant Commissioners and Equivalent are responsible for:**

Acting in a manner which will ensure equality of opportunity at this agency.

Holding accountable the section heads under his/her supervision for adhering to all aspects of this policy.

Assuring the participation of all employees under his/her supervision (directly and indirectly) in all programs provided to educate employees regarding the Affirmative Action Plan.

**The Office of Human Resources is responsible for:**

Continuing to coordinate equal employment and affirmative action efforts and being available to all employees to discuss any aspect of our activities in this area.

Developing and annually reviewing the Affirmative Action Plan, EEO policy statements, and revising as required.

Serving as liaison between the agency and the enforcement agency.

Providing to the Department of Civil Service annually the Statistical Analysis Component and any revisions to the Affirmative Action Plan.

Keeping agency administrators, supervisors, and other personnel apprised of EEO developments.

Informing agency personnel of internal EEO grievance/complaint procedures.

Providing for informal discussions of grievances/complaints in an effort to resolve problems prior to the filing of a formal complaint.

Upon becoming aware of an allegation of discrimination, the Office of Human Resources shall immediately apprise the appointing authority of the situation.

**The Office of Finance and Support Services/Employee Administration Unit is responsible for:**

Monitoring hires, promotions, merit increases, etc. to ensure conformance with Affirmative Action Plan.

Assuring that postings of vacancies are equally accessible to all.

Assuring that each new employee is made aware of this policy and its contents in the orientation process.

**Section Heads are responsible for:**

Assuring that all employees who are involved in the hiring process document the hiring decisions in accordance with instructions from the Office of Finance and Support Services, Employee Administration Unit.

Assuring that each employee, current and new, is made aware of this policy and its contents.

Informing each employee that he/she must abide by the terms of the policy as a condition of employment.

Assuring that all personnel actions within the section are done without regard to race, color, age, religion, sex, national origin, disability, or veteran status.

Immediately bringing violations to the attention of the Deputy/Assistant Commissioners or equivalent, as well as the Director of Human Resources, and handling the violation in a fair and consistent manner.

Providing for informal discussions of grievances and complaints in an effort to resolve problems prior to the filing of a formal complaint.

Informing agency personnel of internal EEO grievance/ complaint procedures.

**Supervisors are responsible for:**

Assisting section heads in the identification of problem areas and assuring the fair and equitable treatment of all employees.

Providing for informal discussions of grievances and complaints in an effort to resolve problems prior to the filing of a formal complaint.

Making a good faith effort to hire and/or promote to avoid underutilization of females and minorities.

Immediately bringing violations to the attention of the section head, Director of Human Resources, and the appointing authority.

Informing agency personnel of internal EEO grievance/complaint procedures.

Providing for informal discussions of grievances/complaints in an effort to resolve problems prior to the filing of a formal complaint.

Fully cooperating with the individual assigned by the appointing authority to investigate the matter.

**Employees are responsible for:**

Adhering to the stipulations outlined in this policy.

Complying with all aspects of this policy and immediately bringing violations to the attention of a supervisor.

**VII. ENABLING LEGISLATION:**

The Civil Rights Act of 1964, Title VII, as amended by the Equal Employment Act of 1972, as amended by the Pregnancy Disability Act of 1978; The Age Discrimination in Employment Act of 1967, as amended in 1974 and 1978; The Equal Pay Act of 1963, as amended in 1974; the Vocational Rehabilitation Act of 1973, as amended; The Vietnam Era Veterans Readjustment/Assistance Act of 1974; Executive Order 11246; Executive Order 11375; The Civil Rights Act of 1991; The Americans with Disabilities Act; Constitution of the State of Louisiana, Article X; Age Discrimination in Employment, R.S. 23:972; Discrimination in employment on account of Race, Color, Religion, Sex or National Origin, R.S. 23:1006 (Act 709 of 1983); Civil Rights For Handicapped Persons, R.S. 46:2254; and Civil Service Rule 3.1(r).

**VIII. EXCEPTIONS:**

There will be no exceptions to this policy.

**IX. QUESTIONS:**

Questions regarding this policy should be directed to staff of the Office of Human Resources.

**X. VIOLATIONS:**

Employees found to have violated this policy may be subject to disciplinary action.

## **AFFIRMATIVE ACTION POLICY STATEMENT**

The Division of Administration and all offices under its jurisdiction reaffirms its policy for Equal Employment Opportunity (EEO) by hereby stating that no person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status or any other non-merit factor, be discriminated against in any employment practice. The agency is committed to this policy because it is our belief that it is morally right, it is good personnel management, and it is legally required by Title VI of the Civil Rights Act of 1964, as amended, by the Equal Employment Opportunity Act of 1972, Executive Order 11246, the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

This Agency will take affirmative action to ensure that the following will be implemented at all levels of administration:

1. Recruit, hire, place, train and promote in all job classifications without regard to non-merit factors, such as race, color, age, religion, sex, national origin, handicap or veteran status, except where sex is a bonafide occupational qualification.
2. Identify and use existing talent and potential through upgrading and promotion of present employees. All promotions will be based only on valid equal employment promotional requirements.
3. Base decisions on employment so as to further the principles of equal employment opportunity.
4. Ensure that all personnel actions, such as compensation, benefits, transfers, layoffs, recall from layoffs, education, tuition assistance, social and recreational programs be administered without regard to race, color, religion, sex, age, national origin, handicap, veteran status or any other non-merit factor.

Basic guidelines and methods of achieving the goal of equal employment opportunity will be set forth in a document hereafter referred to as the Affirmative Action Plan.

All personnel in the Division of Administration with any responsibility for recruitment, appointment, placement, evaluation, training or any other aspect of personnel management are charged with the responsibility of seeing that this policy is successfully implemented by giving it full support through active cooperation and personal example. All such persons shall be evaluated on the basis of their equal employment efforts and results in addition to the usual standards of performance. Persons who fail to adhere to the Equal Employment Opportunity Policy are subject to administrative disciplinary actions. The Agency will periodically analyze its personnel actions to ensure compliance with this policy.

## AGENCIES WITH WHOM EMPLOYEES MAY FILE APPEALS

For Violations of:	Notify:	
The Equal Pay Act & Age Discrimination in Employment	EEOC District Office 701 Loyola Avenue, Suite 600 New Orleans, LA 70113-9936 (504) 589-2329 (Voice) (202) 663-3447 (TDD) (504) 589-6861 (FAX)	<b>OR</b> U.S. Department of Labor Employment Standards Administration 200 Constitution Avenue, N.W. Washington, D.C. 20210 (202) 693-0051 (Voice) <a href="http://www.dol.gov">www.dol.gov</a>
Title VI of the Civil Rights Act; Section 504 of the Rehabilitation Act; 1990 Americans with Disability Act; and Title VII of the Civil Rights Act	EEOC District Office 701 Loyola Avenue, Suite 600 New Orleans, LA 70113-9936 (504) 589-2329 (Voice) (820) 266-3447 (TDD) (504) 589-6861 (FAX)	<b>OR</b> EEOC Washington, D.C. 20507 Toll Free: 800/669-4000 (Voice) Toll Free: 800/800-3302 (TDD) <a href="http://www.eeoc.gov">www.eeoc.gov</a>
Executive Orders 11246 and 11375; Section 503 of the Rehabilitation Act; and Section 402 of the Vietnam Era Veterans Readjustment Assistant Act	Office of Federal Contract Compliance Programs U.S. Department of Labor 701 Loyola Avenue, Room 13029 New Orleans, LA 70113 (504) 589-6575 (Voice)	<b>OR</b> Office of Federal Contract Compliance Programs U.S. Department of Labor Employment Standards Administration 200 Constitution Avenue, N.W. Washington, D.C. 20210 (202) 219-6666 (Voice) <a href="http://www.dol.gov">www.dol.gov</a>